

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984) MB Docket No. 05-
311
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

COMMENTS OF METHUEN COMMUNITY TELEVISION

These Comments are filed by Methuen Community Television (Methuen, MA) in support of the comments filed by the Alliance for Community Media ("Alliance"), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors ("NATOA"), and other national local government organizations. Like the Alliance, Methuen Community Television believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access ("PEG") services in our community.

Cable Franchising in Our Community

Community Information

Methuen is a city with a population of 44,000. Our franchised cable provider(s) is Comcast. Our community has negotiated cable franchises since 1982.

Our Current Franchise

Our current franchise began on May 17, 2002 and expires on May 16, 2012.

Our franchise requires the cable operator to pay a franchise fee to the city in the amount of 4% of the cable operator's gross revenues and a capital payment of one million dollars over 10 years. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the capacity for public, educational, and/or governmental ("PEG") access channels on the cable system. We currently have 1 channel devoted to public access; 1 channels devoted to educational access; and 1 channel devoted to government access. There is a formula for gaining additional access channels, based on community usage of the channels.

Our franchise allows for capital support for PEG Access and other public interest services. Currently, Public Access is operated by Methuen Community Television; Government Access is operated by the City and Educational Access is operated by the Methuen School system. Each channel has its own priorities and facilities funded through this mechanism which serve the community directly.

Through this funding, the City has been developing an institutional network ("I-Net") to connect municipal buildings and functions. It would not be possible without this funding unless taxes were raised.

Our channels are able to carry emergency alerts. These emergency alert requirements provide an important avenue of communication with our residents in the event of an emergency.

PEG Access Services

Methuen Community Television has provided access services in our community for almost 10 years. We operate one access channel. In our most recently completed fiscal year, Methuen Community Television provided 2,135 hours of local programming to the cable subscribers. The community had access to our equipment for 1,044 hours of use. Below are the highlights of our services to the community.

- Video bulletin board with text and graphics for community announcements. We served 120 churches, schools and other non-profit organizations during the last year.
- Our staff along with skilled volunteers produces a feature news program called "Methuen Now!" This program highlights community activities, local charities and profiles interesting people. This program has been in production for two and half years, completing 46 episodes, covering 309 stories. This program has featured residents who organized a river clean-up day, a 74 year-old man who teaches line dancing, and a visit from Jimmy Pedro, Judo Olympian, to name a few. As a part of the Boston market, residents do not see coverage from their own community unless there's a fire, murder or other calamity. Our program is the local television coverage.
- Other regular programming features the happenings at the local Senior Center, interviews with World War II and Korean War Veterans and information on veteran's programs.

- Our organization works with the regional United Way to produce and distribute a program about the services they support in our area. The Leadership and Literacy Foundation is creating a regular program here to help parents with developing reading skills in pre-schoolers. We also have worked with and aired programming for the YMCA, the Salem Animal Rescue League, the Massachusetts Society for the Prevention of Cruelty to Animals, the Methuen Board of Trade, and the Merrimack Valley People for Peace.
- Our organization currently airs religious services from five different forms of worship.
- Our organization offers a full curriculum of video production courses to both individuals and organizations. These include usage of a three camera studio, field equipment, editing, and a remote studio. Residents who are 16 and older can participate free of charge.
- During the last local campaign season, MCTV produced over 10 hours of candidate forums, platform statements and election coverage. The voters and candidates found out the results from our station first.

The City is able to provide gavel-to-gavel coverage of local government meetings and hearings through the Government Access channel facilities. City information is also available through this mechanism.

The Methuen school system provides learning opportunities for high school students and the community through Educational Access facilities. Television and media production classes are offered on site, while educational satellite program reception is redistributed via their station.

The Franchising Process

Under the law, a cable franchise functions as a contract between the local government (operating as the local franchising authority) and the cable operator. Like other contracts, its terms are negotiated. Under the Federal Cable Act, it is the statutory obligation of the local government to determine the community's cable-related needs and interests and to ensure that these are addressed in the franchising process – to the extent that is economically feasible. Once the franchise is approved by both parties, the provisions in the franchise agreement function as contractual obligations upon both parties.

While a franchise is negotiated by the local government as a contract, the process provides notice requirements for the public and the cable operator under

state and local law. For instance when the license was amended in 1996, the public hearing was recorded and rebroadcast eight times to insure opportunity for all citizens to view it.

Competitive Cable Systems

Our community has recently been approached by a Bell Operating Company to provide service. This is in preliminary stages. As far as we understand, this new cable television service provider would negotiate with the issuing authority as Comcast did. The playing field is currently level in that regard.

Conclusions

The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in Methuen. As the above information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

Methuen Community Television therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local government authority over franchising. The Commission should make clear that imposition on a

new provider of PEG Access, consumer protections and other public interest services requirements that are equivalent to those of the incumbent does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law.

The PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of “Community Reinvestment” through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community’s property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse points of view, local programs, community based education and political speech;
3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

Methuen Community Television

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cc: Alliance for Community Media, Getup@alliancecm.org